

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1244

To amend title 17, United States Code, to identify the author of a theatrical motion picture as a physical person for purposes of noneconomic interests in that work.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1995

Mr. BRYANT of Texas introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 17, United States Code, to identify the author of a theatrical motion picture as a physical person for purposes of noneconomic interests in that work.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Theatrical Motion Pic-  
5       ture Authorship Act of 1995”.

6       **SEC. 2. THEATRICAL MOTION PICTURE DEFINED.**

7       Section 101 of title 17, United States Code, is  
8       amended by inserting after the paragraph defining  
9       “State” the following:

1           “A ‘theatrical motion picture’ is a motion pic-  
2           ture of 60 minutes duration or greater intended for  
3           public exhibition, public performance, public sale, or  
4           lease, and includes made for television motion pic-  
5           tures, but does not include episodic television pro-  
6           grams of less than 60 minutes duration (exclusive of  
7           commercials), motion pictures prepared for private  
8           commercial or industrial purposes, or program-  
9           length commercials.”.

10 **SEC. 3. NONECONOMIC INTERESTS OF THEATRICAL MO-**  
11 **TION PICTURE ARTISTS.**

12           (a) IN GENERAL.—Chapter 1 of title 17, United  
13 States Code, is amended by inserting after section 106A  
14 the following:

15 **“§ 106B. Noneconomic interests of certain theatrical**  
16 **motion picture artists**

17           “(a) NONECONOMIC INTERESTS.—Subject to section  
18 107 and independent of the exclusive rights provided in  
19 section 106, the principal director, screenwriter, and cine-  
20 matographer of a theatrical motion picture have the non-  
21 economic interests in that motion picture. The non-  
22 economic interests in a theatrical motion picture that are  
23 referred to in the preceding sentence are of the principal  
24 director, screenwriter, or cinematographer—

1           “(1) the right of the principal director, screen-  
2           writer, or cinematographer (as the case may be) of  
3           that motion picture to claim that he or she was the  
4           principal director, screenwriter, or cinematographer  
5           (as the case may be) of that motion picture;

6           “(2) the right of the principal director, screen-  
7           writer, or cinematographer (as the case may be) of  
8           that motion picture to prevent the use of his or her  
9           name as the principal director, screenwriter, or cine-  
10          matographer (as the case may be) of a theatrical  
11          motion picture of which he or she was not the prin-  
12          cipal director, screenwriter, or cinematographer (as  
13          the case may be); and

14          “(3) the right of the principal director, screen-  
15          writer, or cinematographer (as the case may be) of  
16          that motion picture to prevent any intentional dis-  
17          tortion, mutilation, or other modification of that mo-  
18          tion picture which would be prejudicial to his or her  
19          honor or reputation.

20          “(b) SCOPE AND EXERCISE OF RIGHTS.—Only a  
21          physical person may exercise the rights conferred by sub-  
22          section (a) in a theatrical motion picture, but such rights  
23          may be exercised whether or not that person is the copy-  
24          right owner.

1       “(c) DURATION OF RIGHTS.—The duration of the  
2 noneconomic interests in a theatrical motion picture shall  
3 be coextensive with, and shall expire at the same time as,  
4 the rights conferred by section 106 in that motion picture.

5       “(d) TRANSFER AND WAIVER.—The noneconomic in-  
6 terests in a theatrical motion picture may not be trans-  
7 ferred, but they may be exercised by the heir of the prin-  
8 cipal director, screenwriter, or cinematographer, as the  
9 case may be. Those rights may be waived if the principal  
10 director, screenwriter, or cinematographer, as the case  
11 may be, expressly agrees to such waiver in a written in-  
12 strument signed by such person, except that—

13               “(1) such written instrument may not be exe-  
14 cuted before the first public performance of the mo-  
15 tion picture (after previews and trial runs); and

16               “(2) no consideration in excess of one dollar  
17 may be given for the grant of the waiver.

18 Such instrument shall specifically identify the theatrical  
19 motion picture and the uses of that motion picture to  
20 which the waiver applies, and the waiver shall apply only  
21 to the motion picture and uses so identified.

22       “(e) DEFINITION.—As used in this section, the term  
23 ‘heir’ means the person to whom the noneconomic inter-  
24 ests conferred by this section are bequeathed by will or  
25 pass by the applicable laws of intestate succession.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-  
2 tions at the beginning of chapter 1 of title 17, United  
3 States Code, is amended by inserting after the item relat-  
4 ing to section 106A the following:

“106B. Noneconomic interests of certain theatrical motion picture artists”.

5 **SEC. 4. CLARIFICATION OF AUTHORSHIP.**

6 Section 201(b) of title 17, United States Code, is  
7 amended—

8 (1) by striking “In the case of a work made for  
9 hire,” and inserting “In the case of a work made for  
10 hire, except in the case of theatrical motion pictures  
11 with respect to the noneconomic interests in the  
12 work,”; and

13 (2) by adding at the end the following:

14 “(2) In the case of theatrical motion pictures with  
15 respect to ownership of noneconomic interests in the work,  
16 the author shall be the principal director, principal screen-  
17 writer, and principal cinematographer.”.

18 **SEC. 5. INFRINGEMENT ACTIONS.**

19 Section 501(a) of title 17, United States Code, is  
20 amended in the first sentence by inserting “or in section  
21 106B(a)” after “of the author as provided in section  
22 106A(a)”.

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